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February 28, 2017

BY ECF

Honorable J. Paul Oetken
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Armstrong v. The City of New York, et al.,
16 CV 7469 (JPO)

Your Honor:

This firm represents the Plaintiff. This letter is respectfully submitted to request removal from the Southern District §1983 Plan for certain cases against the City of New York (“the Plan”). I have conferred with counsel for the Defendants, Valerie Smith and Dara Weiss, but they have responded to note that they will not consent to removal from the Plan. They have not provided a reason for their insistence on remaining in the Plan over Plaintiff’s objection. The mediation in this case is presently scheduled for March 7, 2017, though Ms. Smith and Ms. Weiss have requested an adjournment of the mediation due to a trial in another matter.

Settlement posture in this case is such that mediation is not going to be productive. The parties have exceedingly disparate settlement positions, versions of the facts, and interpretations of the applicable law. For these reasons, Plaintiff respectfully requests that the Court grant his request to have this case removed from the Plan and to cancel the upcoming mediation. Plaintiff thanks the Court for its time and consideration.

Respectfully submitted,

/s

Jessica Massimi

cc: All counsel of record (By ECF)